

# Exhibit E



**COPY**

**HEATHER L. KIERNAN**

**June 17, 2005**

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
C.A. NO. 04-10131

\* \* \* \* \*

HEATHER KIERNAN,

Plaintiff

vs.

ARMORED MOTOR SERVICE OF AMERICA,  
INC. AND FRANCESCO CIAMBRIELLO,

Defendants

\* \* \* \* \*

DEPOSITION OF HEATHER L. KIERNAN  
MORGAN, BROWN & JOY, LLP  
200 State Street  
Boston, Massachusetts  
June 17, 2005 9:55 a.m.

Maryellen Coughlin  
Registered Professional Reporter

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1 APPEARANCES:

2 Representing the Plaintiff:

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5 Boston, Massachusetts 02110

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8  
9 Representing the Defendant Armored Motor Service  
10 of America, Inc.:

11 MORGAN, BROWN & JOY, LLP

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23 BY: David R. Ardito, Esq.

24

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I N D E X

WITNESS: HEATHER KIERNAN

EXAMINATION:

	Page
BY MS. ROMANTZ	4
BY MR. McLEOD	322

EXHIBITS FOR IDENTIFICATION:

No.	Description	Page
1	Document	74
2	Document	75
3	Document	179
4	Document	256
5	Document	307

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P R O C E E D I N G S

MS. ROMANTZ: Before we start,  
should we all agree to the usual stipulations?

MR. McLEOD: Mm-hmm. She will read  
and sign.

MS. ROMANTZ: Read and sign. All  
objections, except those as to form and motions  
to strike, reserved until the time of trial and  
to waive signing --

MR. McLEOD: Waive notary.

MS. ROMANTZ: And to waive the  
notary.

HEATHER L. KIERNAN,  
having been first duly sworn, was examined  
and testified as follows:

EXAMINATION

BY MS. ROMANTZ:

Q. Heather, I'm Allison Romantz. I'm  
the attorney for AMSA. Let me tell you first  
before we begin what the purpose of your  
deposition is today.

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1 Q. And what exactly did you do? Tell  
2 me what you mean by data entry.

3 A. Okay. When the trucks came in, I  
4 entered in the money amounts that they picked up  
5 at different places like Shaw's and Stop & Shop.

6 Q. Enter it into the computer?

7 A. Yes.

8 Q. Did your job entail anything else  
9 other than entering that data into the computer?

10 A. Verifying the money.

11 Q. And what does that mean?

12 A. Going into the vault and making  
13 sure the money bags were there.

14 Q. Okay. What was your rate of pay?

15 A. I believe \$10 an hour.

16 Q. And who took care of Matthew while  
17 you were working?

18 A. My husband.

19 Q. And what was your plan as to what  
20 you were going to do with Matthew once your  
21 husband got a job and started working?

22 A. Put him into day care.

23 Q. When you started working at AMSA,  
24 did you have any type of orientation?

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1 plan in place if there was some type of armed  
2 robbery or some type of attack on the facility?

3 A. No.

4 MR. McLEOD: Objection.

5 Q. Did you understand while you were  
6 working at AMSA that there were security systems  
7 in place?

8 A. No.

9 Q. You didn't understand that?

10 A. No.

11 MR. McLEOD: Objection.

12 Q. Did you ever see security cameras?

13 A. Yes.

14 Q. Okay. And did you believe that  
15 they were operational?

16 MR. McLEOD: Objection.

17 A. I didn't -- I don't know.

18 Q. You don't know, okay. Was there a  
19 security system in place to get into the  
20 facility?

21 A. Yes.

22 Q. And what was that?

23 A. You had to be buzzed in and out of  
24 the door.

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1 Q. Okay. Did anybody ever tell you  
2 while you were working at AMSA how you were  
3 suppose to contact the police while at work if  
4 there was an emergency in the facility?

5 A. No.

6 Q. Were you aware that there were a  
7 number of buttons located throughout AMSA's  
8 facility that were connected to an alarm, a  
9 silent alarm that would connect to the police in  
10 the event that there was an emergency?

11 MR. McLEOD: Objection.

12 A. No, I wasn't.

13 Q. You weren't aware of that?

14 A. No.

15 Q. Did you ever see any buttons on the  
16 walls in AMSA's facility that had a label either  
17 above them or below them which said "hold-up  
18 button," or something to that effect?

19 A. No.

20 Q. You never saw any of those buttons?

21 A. No.

22 Q. Did you ever go into the vault?

23 A. Occasionally.

24 Q. Did you ever go into the money

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1 Q. With Jason Khoury?

2 A. Yes.

3 Q. Okay. And tell me about that.

4 A. He asked me if I had been offended  
5 at all by some of the things that had been said  
6 by some of the people in my office, and I said --  
7 I mean, I was a lifeguard, so I was kind of use  
8 to people talking like that, but he basically --  
9 he wanted to make sure I wasn't offended by the  
10 ATM manager's, what he was talking about and  
11 stuff like that.

12 Q. And when did that occur in relation  
13 to the start of your employment at AMSA?

14 A. Approximately three weeks, maybe.

15 Q. How did you respond to Mr. Khoury  
16 in response to the question as to whether or not  
17 you were offended?

18 A. I told him that some of the things  
19 that were said were offensive but lots of things  
20 go on like that around me, and I just kind of  
21 brushed off, and I didn't dwell on it.

22 Q. After that conversation, did those  
23 types of communications with the ATM manager in  
24 your presence cease?

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1 Q. Okay. And are both of those  
2 individuals armed?

3 A. I believe so, yeah.

4 Q. And you understand when I say armed  
5 I mean have a gun --

6 A. Yes.

7 Q. -- on them? So they drive the  
8 truck into the facility.

9 A. (Witness nods.)

10 Q. And how does the money get off the  
11 truck and into the vault?

12 A. The guys take it off the truck and  
13 put it into a rolling cart.

14 Q. And by "the guys," you mean the  
15 people in the truck?

16 A. Yes.

17 Q. Okay. So they put it on to a  
18 rolling cart, and what do they do with the cart?

19 A. They roll it into the area -- I  
20 think it's called the trap -- and they hand it  
21 over through the trap door.

22 Q. Okay. And is the trap door one of  
23 these half doors?

24 A. Yes.

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1 Q. Okay. And on May -- and then once  
2 that's done, you then take your chart and go  
3 enter that data on to the computer?

4 A. Yes.

5 Q. And what does Tony do while you're  
6 doing that?

7 A. I'm not really sure what his  
8 responsibilities were, but he really didn't do  
9 anything.

10 Q. Okay. And when the drivers have  
11 fully emptied their rolling cart, what do they  
12 do?

13 A. They leave.

14 Q. And do they take the truck out? Do  
15 they, you know, get back in the truck and drive  
16 the truck out?

17 A. No.

18 Q. They leave, they walk out? If you  
19 know.

20 A. I believe they get buzzed out. You  
21 can't just walk out.

22 Q. Okay. But they physically walk  
23 out?

24 A. Yeah.

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1 a breather, and I talked to them about it, and I  
2 told them vaguely. I didn't get into details,  
3 but I told them what happened.

4 Q. Tell me specifically what it was  
5 that you told them?

6 A. I told them that I had been raped  
7 at work.

8 Q. Did you use that word raped?

9 A. Yes.

10 Q. And did you tell them how you had  
11 been raped?

12 A. No.

13 Q. Did they ask?

14 A. No.

15 Q. Did you give them any details?

16 A. Not really, no.

17 Q. Okay. So you told them you had  
18 been raped at work, what else?

19 A. And that I didn't know what to do,  
20 how to tell my husband. Excuse me. I didn't  
21 know how to tell my husband because I was afraid  
22 of his reaction.

23 Q. Why would you be afraid of your  
24 husband's reaction?

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1           A.           'Cause I was raped. I didn't know  
2           how to tell my husband I was raped, especially  
3           with an infant.

4           Q.           While you were telling Mike and  
5           Christina, were you drinking alcohol?

6           A.           I had a glass of wine.

7           Q.           Okay. Was Christina drinking  
8           alcohol?

9           A.           No.

10          Q.           Was Mike drinking alcohol?

11          A.           I don't think so. I don't know.

12          Q.           Were you drinking a glass of wine  
13          from the wine that you had brought?

14          A.           Yes.

15          Q.           Did Mike appear intoxicated to you?

16          A.           No.

17          Q.           Did he tell you he had been  
18          drinking alcohol all day?

19          A.           No.

20          Q.           Was the movie playing while you  
21          were telling them that you had been raped at  
22          work?

23          A.           Honestly, I really don't know what  
24          was going on around me?

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EXAMINATION

BY MR. McLEOD:

Q. Is there anyone else who could have  
been the father of that child?

A. No.

Q. Thank you.

(Deposition suspended at 4:46 p.m.)

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C E R T I F I C A T E

I, Maryellen Coughlin, a Registered Professional Reporter and Notary Public of the State of Massachusetts, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of the deposition of HEATHER L. KIERNAN, who appeared before me, satisfactorily identified themselves, and was by me duly sworn, taken at the place and on the date hereinbefore set forth.

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.

  
MARYELLEN COUGHLIN, RPR

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